01/04/2007

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-7020

NAME AND ADDRESS:

JAMES R BENNETTS
PO BOX 36
CHALLIS ID 83226

JOSEPH W SENN
P.O. BOX 1379
MURPHYS CA 95247

K.C. PARSONS
1113 LAKEHOME DR.
LODI CA 95240

BRADFORD A. LANGE
P.O. BOX 36
CHALLIS ID 83226

SUSAN J. LANGE
P.O. BOX 36
CHALLIS ID 83226

JO ANN BENNETTS
PO BOX 36
CHALLIS ID 83226

JEANNE M SENN
P.O. BOX 1379
MURPHYS CA 95247

RANDALL W. LANGE
P.O. BOX 36
CHALLIS ID 83226

CHARLENE J. LANGE
P.O. BOX 36
CHALLIS ID 83226

E.W. PARSONS
1113 LAKEHOME DR.
LODI CA 95240

SOURCE: WIRE GULCH CREEK TRIBUTARY: PANTHER CREEK

QUANTITY: 0.110 CFS
12.900 AFY

PRIORITY DATE: 12/15/1971

POINT OF DIVERSION:

T23N R18E S34 NWNW Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.030 CFS 10.50 AFY
DOMESTIC	01/01 12/31	0.080 CFS 2.40 AFY

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: IRRIGATION in LEMHI County

T23N R18E S33	NENE	1.20	T23N R18E S33	SENE	2.30

DOMESTIC in LEMHI County

T23N R18E S33	SENE

3.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

RECEIVED
DEC 15 2006
IDWR/North

RECEIVED
DEC 1? 2006
DEPARTMENT OF
WATER RESOURCES

SRBA Recommendation:

75-7020
(Irrigation)

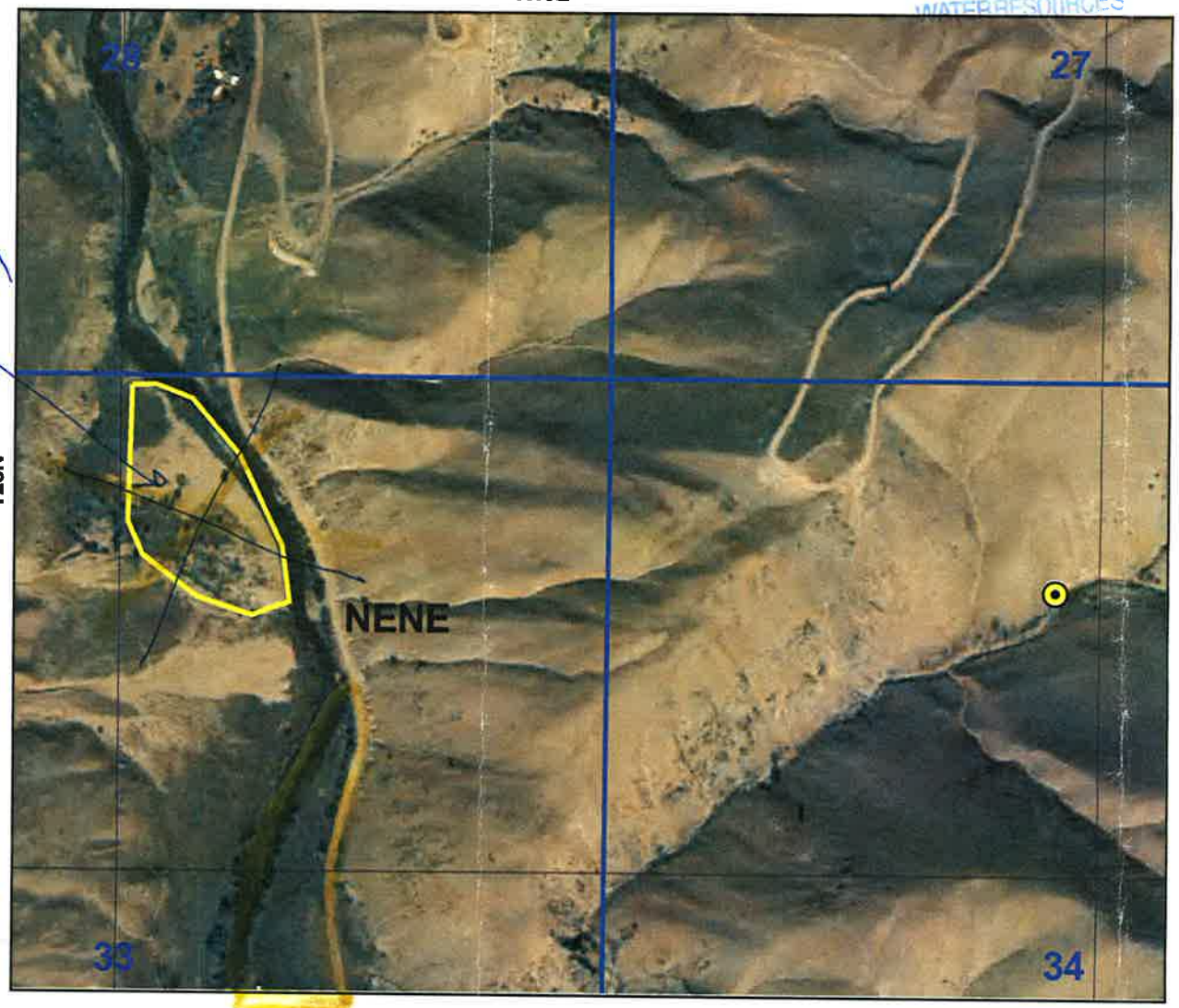
Incorrect

Legend

- Point of Diversion
- Place of Use
- Township
- PLS Sections
- Quarter Quarters

Lemhi County
IDWR Basin 75

N



0 0.2 0.4 Miles

Correct

Assuming Map is Accurate?

Prepared by M. Ciscell
On Monday, November 20, 2006
2004 Aerial Photography

JAMES R. BENNETTS
Attorney At Law
P.O. Box 36
Challis, Idaho 83226-0036
Telephone (208) 879-4488
Fax (208) 879-4248

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

December 8, 2006

RECEIVED
DEC 15 2006
IDWR/North

STATE OF IDAHO
IDWR
PO BOX 83720
BOISE ID 83707-9815

Re: Water right number: 75-7020

I have enclosed the corrections and also see copy of property description. Dan O'Connor is deceased and you will notice that I am a co-owner on the attached deed.

Very truly yours,

James R. Bennetts

JRB:mlb
Enclosures

11/20/2006

RECEIVED
DEC 15 2006
DEPARTMENT OF WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

RECEIVED
DEC 15 2006
IDWR/North

Water right number: 75-7020

Correct →
c/o James R. Bennetts
PO Box 36
Challis ID 83226 Telephone: (208) 879-4488

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use

2. Describe the changes you wish to make in the proposed recommendation:

Place of use - W1/2NE1/4
Also, see corrected map attached

3. Give a brief explanation as to why you disagree with these portions:

This water right has always been used on the lands described on the attachment.

____ **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: Dec 8, '06 **SIGNATURE:** James R Bennetts

Please print your name: JAMES R. BENNETTS

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

RECEIVED
DEC 1 ? 2006
DEPARTMENT OF
WATER RESOURCES

Warranty Deed

THIS INDENTURE, *Made this* 8th *day of* October *in the year of our Lord One Thousand Nine Hundred and* seventy One *, between* GILBERT A. BACON and ARLENE J. BACON, husband and wife *of* Pocatello *, County of* Bannock *, State of* Idaho *the part* ies *of the first part, and* HAROLD LANGE and NITA LANGE, husband and wife, C. E. PARSONS and AGNES PARSONS, husband and wife, DAN O'CONNOR and NORMA O'CONNOR, husband and wife, and JAMES R. BENNETTS & JO ANN BENNETTS, husband ~~x~~ and wife *, County of , State of* *the part* ies *of the second part:*

WITNESSETH: *That the said part* ies *of the first part, for and in consideration of the sum of* -Ten and no/100th---------- DOLLARS, *lawful money of the United States of America, to* them *in hand paid by the said part* ies *of the second part, the receipt whereof is hereby acknowledged , do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part* ies *of the second part, and to* their heirs *and assigns forever: All th* at *certain lot , piece or parcel of land situate, lying and being in the County of* LEMHI *State of Idaho, bounded and more particularly described as follows, to-wit:*

A parcel of land in the Homestead Entry Survey No. 239, situated in the Salmon National Forest, in Lemhi County, Idaho, more particularly described as follows:

Commencing at the U. S. L. M. No. 8; thence North 26°38'40" West, 4,205.10 feet, more or less, to the Corner No. 10, H.E.S. # 239; thence North 40°38' West, 458.38 feet to the TRUE POINT OF BEGINNING; thence South 84°32'45" West, 343.77 feet, more or less, to the centerline of Panther Creek; thence along the centerline of Panther Creek North 22°00' 55" East, 161.50 feet; thence North 04°16'55" East, along the centerline of Panther Creek, 123.95 feet; thence North 21°50'05" East, along the centerline of Panther Creek, 701.50 feet, more or less, to the Easterly line of H.E.S. # 239; thence South 11°24'12" East, along the Easterly line of H.E.S. # 239, 214.33 feet; thence

South 17°53'05" West, along Panther Creek Road, 235.46 feet; thence
South 07°33'45" West, along Panther Creek Road, 119.39 feet; thence
South 09°40'30" East, along Panther Creek Road, 342.37 feet, more or less to the TRUE POINT OF BEGINNING and contains 3.5 acres, more or less.

STATE OF IDAHO,
County of ~~Bannock~~ Custer } ss.

On this 8th day of October in the year 19 71, before me the undersigned a Notary Public in and for said County and State, personally appeared GILBERT A. BACON and ARLENE J. BACON, husband and wife known to me to be the person S whose name S subscribed to the within instrument, and acknowledged to me that t he y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public.

Residence and P. O. Address Challis ~~Pocatello~~, Idaho

My Com. Expires: 10-10-74

11

WARRA

Dated

STATE OF IDAHO,
County of I

I hereby certify that
record at the request of
Lemhi Title
at 41 min
o'clock P. M.,
of Novembe
in my office and duly r
of Deeds
Ele
By
Fee, $ 2.00 Pa

INDEXED

GEO. PRINDLE & SO

Warranty Deed

For Value Received

DAN O'CONNOR and NORMA O'CONNOR, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

JOSEPH W. SENN and JEANNE M. SENN, husband and wife

whose current address is

P.O. Box 1379, Murphys, CA 95247

the grantees, the following described premises, in Lemhi County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they're the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 12, 1993

Dan O'Connor

Norma O'Connor

STATE OF IDAHO, COUNTY OF CUSTER

On this 22 day of November, 1993, before me, a notary public in and for said State, personally appeared Dan O'Connor and Norma O'Connor

known to me to be the person s whose names subscribed to the within instrument, and acknowledged to me that executed the same.

JOAN RITTER NOTARY PUBLIC STATE OF IDAHO

Joan Ritter

Notary Public, Idaho

Residing at Challis

Comm. Expires 8-1-94

State of Idaho, County of Lemhi, as No. 220606

This instrument was filed for record at the request of American Land Title at 2:15 o'clock p m Nov 23 1993 and duly filmed and indexed in the records of Lemhi County

Alberta Wiedmeier

Ex-Officio Recorder

By Sharon Stevens Deputy

Fees 6.00

Furnished by the AMERICAN LAND TITLE COMPANY, INC.

EXHIBIT "A"

A 25% INTEREST IN AND TO THE FOLLOWING:

A PARCEL OF LAND IN THE HOMESTEAD ENTRY SURVEY NO. 239, SITUATED IN THE SALMON NATIONAL FOREST IN SECTION 33, T. 23 N., R. 18 E., B.M., IN LEMHI COUNTY, IDAHO, MORE PATICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE U.S.L.M. NO. 8; THENCE NORTH 26 DEGREES 38' 40" WEST, 4,205.10 FEET MORE OR LESS, TO THE CORNER NO. 10, H.E.S. #239; THENCE NORTH 40 DEGREES 38' WEST, 458.38 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 32' 45" WEST 343.77 FEET, MORE OR LESS, TO THE CENTERLINE OF PANTHER CREEK; THENCE ALONG THE CENTERLINE OF PANTHER CREEK NORTH 22 DEGREES 00' 55" EAST 161.50 FEET; THENCE NORTH 04 DEGREES 16' 55" EAST, ALONG THE CENTERLINE OF PANTHER CREEK, 123.95 FEET; THENCE NORTH 21 DEGREES 50' 05" EAST, ALONG THE CENTERLINE OF PANTHER CREEK, 701.50 FEET, MORE OR LESS, TO THE EASTERLY LINE OF H.E.S. #239; THENCE SOUTH 11 DEGREES 24' 12" EAST, ALONG THE EASTERLY LINE OF H.E.S. #239, 214.33 FEET; THENCE SOUTH 17 DEGREES 53' 05" ALONG THE EASTERLY LINE OF H.E.S. #239, 214.33 FEET; THENCE SOUTH 17 DEGREES 53' 05" WEST, ALONG PANTHER CREEK ROAD, 235.46 FEET; THENCE SOUTH 07 DEGREES 33' 45" WEST, ALONG PANTHER CREEK ROAD, 119.39 FEET; THENCE SOUTH 09 DEGREES 40' 30" EAST ALONG PANTHER CREEK ROAD, 342.37 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

WARRANTY DEED

For Value Received C. E. PARSONS, a widower dealing with his sole and separate property,

the grantor, does hereby grant, bargain, sell and convey unto K. C. PARSONS, a married man, and E. W. PARSONS, a married man, as Tenants in Common with equal shares,

the grantees, whose current address is 1113 Lakehome Drive, Lodi, CA 95240

the following described premises, in Lemhi County Idaho, to-wit:
All of Grantor's interest in and to the following described property including, but not limited to, a twenty-five percent (25%) interest therein:

See Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 20th, 1987.

C. E. Parsons

C. E. Parsons

STATE OF ~~IDAHO~~ Idaho COUNTY OF Custer

On this 20th day of March, 1987, before me, a notary public in and for the said State, personally appeared C. E. PARSONS, a widower,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

James R. Bennett
Notary Public
Residing at Challis Idaho, ~~NEWCA~~
Comm. Expires 1-13-93

STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instrument was filed for record at the request of James R. Bennetts

at 20 minutes past 2 o'clock P. M., this 3rd day of February, 1988, in my office, and duly recorded in Book of Deeds at Page

Alberta Wiederrich
Ex-Officio Recorder

By Terry J. Morton
Deputy.

Fees $ 6.00 Pd

Mail to: Box 36 Challis, Id. 83226

INSTRUMENT NO. 150120

EXHIBIT "A"

A parcel of land in the Homestead Entry Survey No. 239, situated in the Salmon National Forest, in Lemhi County, Idaho, more particularly described as follows:

Commencing at the U. S. L. M. No. 8; thence North 26° 38' 40" West, 4,205.10 feet, more or less, to the Corner No. 10, H.E.S. #239; thence North 40° 38' West, 458.38 feet to the TRUE POINT OF BEGINNING; thence South 84° 32' 45" West, 343.77 feet, more or less, to the centerline of Panther Creek; thence along the centerline of Panther Creek North 22° 00' 55" East, 161.50 feet; thence North 04° 16' 55" East, along the centerline of Panther Creek, 123.95 feet; thence North 21° 50' 05" East, along the centerline of Panther Creek, 701.50 feet, more or less, to the Easterly line of H.E.S. #239; thence South 11° 24' 12" East, along the Easterly line of H.E.S. #239, 214.33 feet; thence

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JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. BOX 36
CHALLIS, IDAHO 83226
TEL. (208) 879-4488

WARRANTY DEED

For Value Received HAROLD LANGE and ONETA LANGE, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto BRADFORD A. LANGE and SUSAN J. LANGE, husband and wife, and RANDALL W. LANGE and CHARLENE J. LANGE, husband and wife,

the grantees, whose current address is c/o James R. Bennetts, Esq., PO Box 36, Challis, Idaho 83226,

the following described premises, in Lemhi County, Idaho, to-wit:

All of Grantors' interest, the same being a 1/4 (25%) interest in and to the following:
A parcel of land in the Homestead Entry Survey No. 239, situated in the Salmon National Forest, in Lemhi County, Idaho, more particularly described as follows:
COMMENCING at the U.S.L.M. No. 8; thence North 26°38'40" West, 4,205.10 feet, more or less, to the Corner No. 10, H.E.S. #239; thence North 40°38' West, 458.38 feet to the TRUE POINT OF BEGINNING; thence South 84°32'45" West, 343.77 feet, more or less, to the centerline of Panther Creek; thence along the centerline of Panther Creek North 22°00'55" East, 161.50 feet; thence North 04°16'55" East, along the centerline of Panther Creek, 123.95 feet; thence North 21°50'05" East, along the centerline of Panther Creek, 701.50 feet, more or less, to the Easterly line of H.E.S. #239; thence South 11°24'12" East, along the Easterly line of H.E.S. #239, 214.33 feet; thence
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TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 7, 1991.

Harold A. Lange
Harold Lange

Oneta L. Lange
Oneta Lange

CALIFORNIA
STATE OF ~~IDAHO~~
COUNTY OF SAN JOAQUIN } ss
On this 7th day of May, in the year 1991, before me, a Notary Public, personally appeared HAROLD LANGE & ONETA LANGE, h/w, known or identified to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Doris J. Annand
Notary Public
Residing at Lodi, ~~NXX~~ CA
My Comm. Expires: 1/25/92

OFFICIAL SEAL
DORIS J. ANNAND
NOTARY PUBLIC - CALIFORNIA
SAN JOAQUIN COUNTY
My Comm. Expires Jan. 25, 1992

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instrument was filed for record at the request of James R. Bennett at 55 minutes past 10 o'clock A M., this 15th day of May, 1991, in my office, and duly recorded in Book of Deeds at page

Alberta Niederrich
Ex-Officio Recorder

By Deanne Gray
Deputy

Fees $3.00
Mail to:

INSTRUMENT No. 210307

Chicago Title Insurance Company of Idaho

Reorder Form No. SY413823

11/20/2006 RECEIVED

DEC 1 ? 2006

DEPARTMENT OF WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-7020

Correct →
c/o James R. Bennetts
PO Box 36
Challis ID 83226 Telephone: (208) 879-4488

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use

2. Describe the changes you wish to make in the proposed recommendation:

Place of use - W1/2NE1/4
Also, see corrected map attached

3. Give a brief explanation as to why you disagree with these portions:

This water right has always been used on the lands described on the attachment.

____ **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: Dec 8, '06 **SIGNATURE:** James R Bennetts

Please print your name: James R. Bennetts

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED

DEC 13 2006

JAMES R. BENNETTS
Attorney At Law
P.O. Box 36
Challis, Idaho 83226-0036
Telephone (208) 879-4488
Fax (208) 879-4248

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

December 8, 2006

STATE OF IDAHO
IDWR
PO BOX 83720
BOISE ID 83707-9815

Re: Water right number: 75-7020

I have enclosed the corrections and also see copy of property description. Dan O'Connor is deceased and you will notice that I am a co-owner on the attached deed.

Very truly yours,

James R. Bennetts

JRB:mlb
Enclosures

Idaho Department of Water Resources

RECEIVED
DEC 1 2006
DEPARTMENT OF
WATER RESOURCES

SRBA Recommendation:

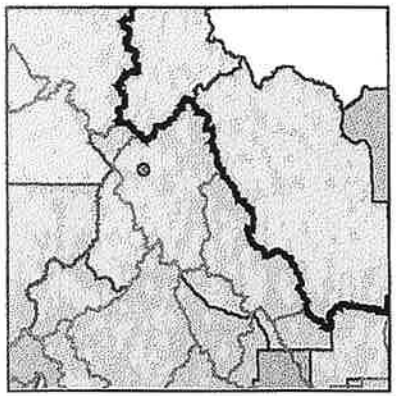
75-7020

(Irrigation)

Incorrect

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 75

N

0 0.2 0.4 **Miles**

Correct

Assuming Map is Accurate?

Prepared by M. Ciscell
On Monday, November 20, 2006
2004 Aerial Photography

RECEIVED
DEC 1 ? 2006
DEPARTMENT OF
WATER RESOURCES

Warranty Deed

THIS INDENTURE, *Made this* 8th *day of* October *in the year of our Lord One Thousand Nine Hundred and* seventy One *, between* GILBERT A. BACON and ARLENE J. BACON, husband and wife *of* Pocatello *, County of* Bannock *, State of* Idaho *the part* ies *of the first part, and* HAROLD LANGE and NITA LANGE, husband and wife, C. E. PARSONS and AGNES PARSONS, husband and wife, DAN O'CONNOR and NORMA O'CONNOR, husband and wife, and JAMES R. BENNETTS & JO ANN BENNETTS, husband ~~x~~ and wife *, County of , State of* *the part* ies *of the second part:*

WITNESSETH: *That the said part* ies *of the first part, for and in consideration of the sum of* -Ten and no/100th---------- DOLLARS, *lawful money of the United States of America, to* them *in hand paid by the said part* ies *of the second part, the receipt whereof is hereby acknowledged , do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part* ies *of the second part, and to* their heirs *and assigns forever: All that certain lot , piece or parcel of land situate, lying and being in the County of* LEMHI *State of Idaho, bounded and more particularly described as follows, to-wit:*

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South 09°40'30" East, along Panther Creek Road, 342.37 feet, more or less to the TRUE POINT OF BEGINNING and contains 3.5 acres, more or less.

STATE OF IDAHO,
County of ~~Bannock~~ Custer } ss.

On this 8th day of October in the year 19 71, before me the undersigned a Notary Public in and for said County and State, personally appeared GILBERT A. BACON and ARLENE J. BACON, husband and wife known to me to be the person S whose name S subscribed to the within instrument, and acknowledged to me that t he Y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public.

Residence and P. O. Address Challis ~~Pocatello~~, Idaho

My Com. Expires: 10-10-74

21

WARRA

STATE OF IDAHO,
County of I

Dated

I hereby certify th
record at the request of
Lemhi Title
at 41 min
o'clock P. M.,
of November
in my office and duly r
of Deeds

Ele

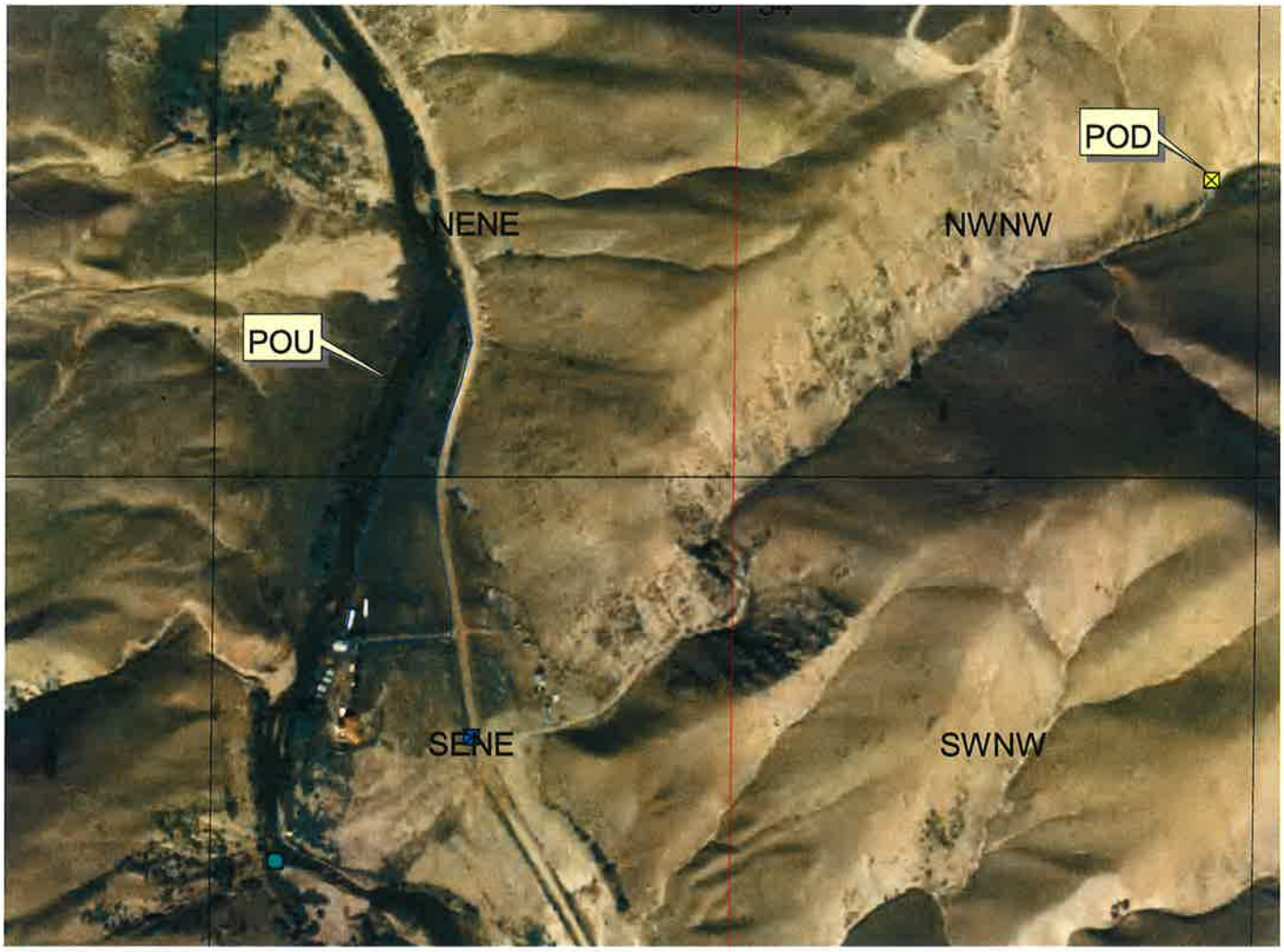
By

Fee, $ 2.00 Pa

INDEXED

GEO. PHIMPS & SO

75-7020



Unknown Units: View1

N
W
E
S

PLSS Section LinesGcdb_sections.shp
GCDB23N18E GCDB
Ellis_gps.shp
Recommendation POD

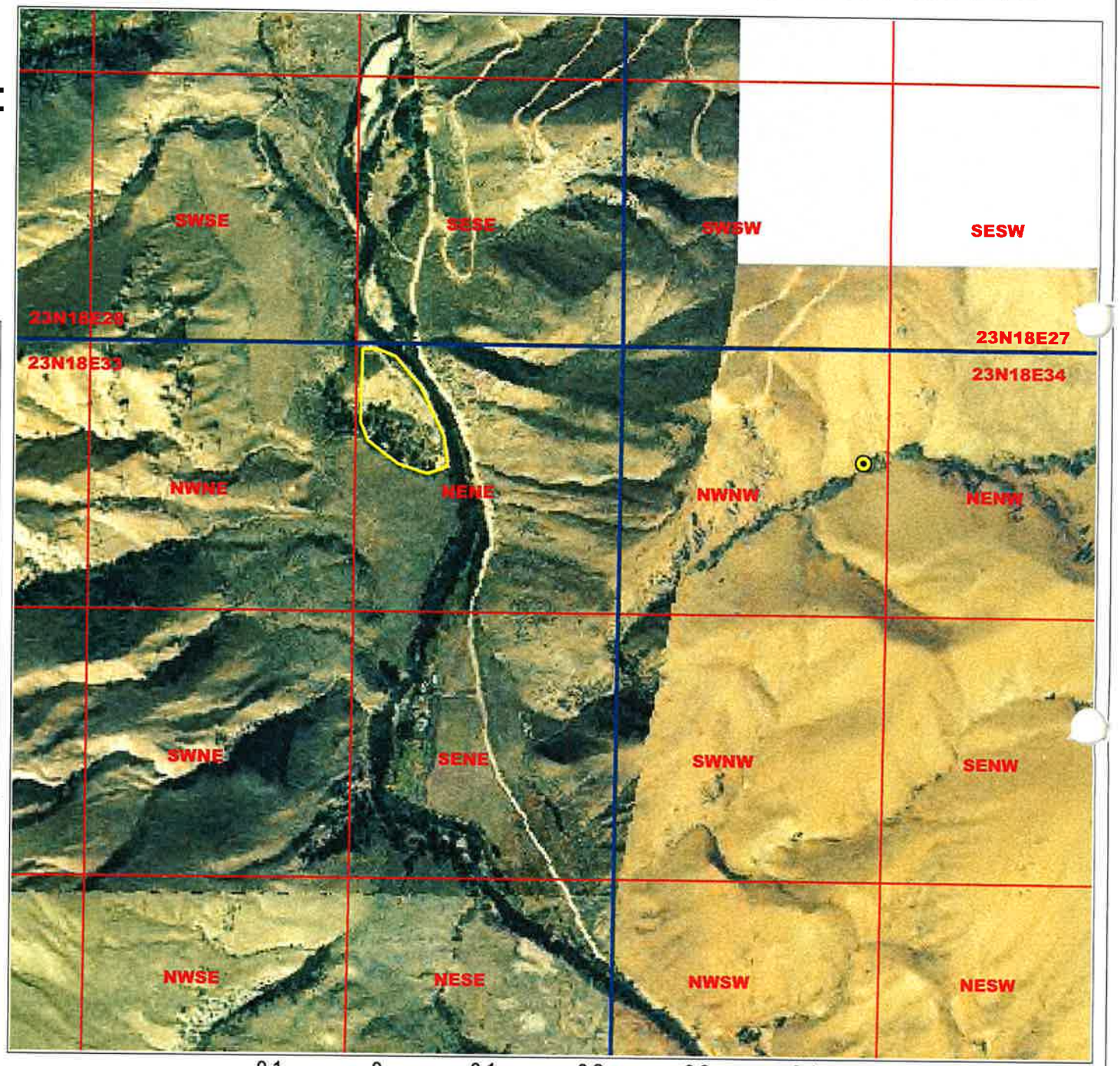
IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:
75-7020

T23N R18E Sec 33,34

LEGEND

- Point(s) of Diversion
- Place(s) of Use
- # Lot Numbers
- Quarter Quarter Lines
- Section Lines
- IMAGE 1993/1994 True Color



N

Prepared By: Danielle Favreau
April 13, 2005

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

SCANNED

CLAIMANT'S NAME O'Connor CLAIM IDENT. NO. A75.07020

DATE RECEIVED _____ CK # OCT 1 2 2000 AMOUNT $ _____

	YES	NO	Required?
1. Is the name and address complete with zip code?			*
2. Is a priority date entered?			*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.			*
3. (a) Is a source entered?			*
(b) Is a tributary to entered? (if required) N/A ___			
4. Is the legal description of the p.d. sufficient?			*
5. Is there a description of the diverting works?			*
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.			*
Is the period of use included?			*
Is a quantity claimed for each use?			*
7. Is a total quantity claimed entered?			*
8. If required is a consumptive use entered? N/A ___			
Is the consumptive use correct? N/A ___			
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ___			
10. Is (are) the place(s) of use and purpose(s) indicated?			*
11. Is (are) the county(ies) entered?			*
12. Is the ownership of p.u. checked?			*
13. Are other water rights listed or "none" indicated?			*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ___			
15. Is the basis of the claim indicated?			*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ___			
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.			*
18. Has the claim been signed, sealed, and dated by a notary?			*
19. Was this claim filed on time, or was an extension granted?			*
20. Is the fee enclosed correct? Exempt ___			
21. If this claim is based on an existing water right, has the identification number been entered? N/A ___			
22. Should this claim be data entered? JA			*

Date: 10-30-90

Claim checked by: _____ (Yes: ___)

Claim must be returned to claimant: ___ (Yes: ___)

Claimant must be notified of modifications: ___ (Yes: ___)

Receipt Prepared by: _____ Date: _____ Checked by: _____ Date: _____

Claim data entered by: JA Date: 11/1/90

Sent to claimant by: _____ Date: _____

Comments: Ltr. ret'd this office /corrections

MICROFILMED
DEC 15 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RECEIVED
OCT 29 1990
Department of Water Resources
Eastern District Office

October 17, 1990

Dan O'Connor
P.O. Box 219
Challis, ID 83226

RE: Notice of Claim A75-07020

Dear Mr. O'Connor:

The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right because of insufficient information. All items on the forms must be completed and fees submitted before the IDWR can process the notice.

Please correct the items identified below and return the notice to the IDWR by November 19, 1990.

Item #6: Your license calls for 0.11 cfs of water for irrigation of four (4) acres and 0.03 cfs for domestic purposes. By definition, in Section 42-111 Idaho Code, "domestic use" includes the use of water for livestock if the total domestic use does not exceed 13,00 gallons per day. To claim stockwater as a separate use will require filing a separate Notice of Claim for that purpose. Please correct the claim to reflect the license and return to this office.

A Notice of Claim to a Water Right must be filed in the Snake River Basin Adjudication at this time for all purposes commencing prior to November 20, 1987, except for some domestic and stock uses not exceeding 13,000 gallons per day. Failure to record a Notice of Claim for all other uses will result in forfeiture of the water right.

Should extenuating circumstances prevent you from being able to return the notice by the above date, it is important IDWR be notified. Failure to either return the corrected notice or provide justification for

MICROFILMED
DEC 15 1992

additional time will be cause for refunding the filing fee previously paid and removal of the notice from the IDWR records. Notices returned after the refund process has been initiated will be subject to a late fee plus the regular filing fee.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208)-525-7161.

Respectfully submitted,

Ernest Carlsen

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

P.S a stockwater claim form with instructions is enclosed

MICROFILMED
DEC 15 1992

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. BOX 36
CHALLIS, IDAHO 83226

(208) 879-4488

RECEIVED
MAY 1 1990
Department of Water Resources
Eastern District Office

April 30, 1990

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401

Re: Dan O'Connor Water

Dear Sirs:

Enclosed is the Notice of Claim to a Water Right in the above matter, along with my check in the amount of $54.00.

Very truly yours,

James R. Bennetts

JRB:jab
Enclosures

MICROFILMED
DEC 15 1992

RECEIVED
DEC 15 2006
IDWR/North

RECEIVED
DEC 1
DEPARTMENT OF
WATER RESOURCES

Warranty Deed

THIS INDENTURE, *Made this* 8th *day of* October *in the year of our Lord One Thousand Nine Hundred and* seventy One *, between* GILBERT A. BACON and ARLENE J. BACON, husband and wife *of* Pocatello *, County of* Bannock *, State of* Idaho *the part* ies *of the first part, and* HAROLD LANGE and NITA LANGE, husband and wife, C. E. PARSONS and AGNES PARSONS, husband and wife, DAN O'CONNOR and NORMA O'CONNOR, husband and wife, and JAMES R. BENNETTS & JO ANN BENNETTS, husband ~~x~~ and wife *, County of , State of the part* ies *of the second part:*

WITNESSETH: *That the said part* ies *of the first part, for and in consideration of the sum of* -Ten and no/100th---------- DOLLARS, *lawful money of the United States of America, to* them *in hand paid by the said part* ies *of the second part, the receipt whereof is hereby acknowledged , do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part* ies *of the second part, and to* their heirs *and assigns forever: All that certain lot , piece or parcel of land situate, lying and being in the County of* LEMHI *State of Idaho, bounded and more particularly described as follows, to-wit:*

A parcel of land in the Homestead Entry Survey No. 239, situated in the Salmon National Forest, in Lemhi County, Idaho, more particularly described as follows:

Commencing at the U. S. L. M. No. 8; thence North 26°38'40" West, 4,205.10 feet, more or less, to the Corner No. 10, H.E.S. # 239; thence North 40°38' West, 458.38 feet to the TRUE POINT OF BEGINNING; thence South 84°32'45" West, 343.77 feet, more or less, to the centerline of Panther Creek; thence along the centerline of Panther Creek North 22°00' 55" East, 161.50 feet; thence North 04°16'55" East, along the centerline of Panther Creek, 123.95 feet; thence North 21°50'05" East, along the centerline of Panther Creek, 701.50 feet, more or less, to the Easterly line of H.E.S. # 239; thence South 11°24'12" East, along the Easterly line of H.E.S. # 239, 214.33 feet; thence

South 17°53'05" West, along Panther Creek Road, 235.46 feet; thence
South 07°33'45" West, along Panther Creek Road, 119.39 feet; thence
South 09°40'30" East, along Panther Creek Road, 342.37 feet, more or less to the TRUE POINT OF BEGINNING and contains 3.5 acres, more or less.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, *all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said part* ies *of the second part, and to* their heirs *and assigns forever. And the said part* ies *of the first part, and the said premises in the quiet and peaceable possession of the said part* ies *of the second part* their heirs *and assigns against the said part* ies *of the first part, and and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.*

IN WITNESS WHEREOF, *The said part* ies *of the first part have hereunto set* their *hand* s *and seal* s *the day and year first above written.*

Signed, Sealed and Delivered in the Presence of

Gilbert A. Bacon [Seal]

Arlene J. Bacon [Seal]

[Seal]

[Seal]

STATE OF IDAHO,
County of ~~Bannock~~ Custer } ss.

On this 8th day of October in the year 19 71, before me the undersigned a Notary Public in and for said County and State, personally appeared GILBERT A. BACON and ARLENE J. BACON, husband and wife known to me to be the person s whose name s subscribed to the within instrument, and acknowledged to me that t he y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

D. A. MANN NOTARY PUBLIC STATE OF IDAHO

[signature]
Notary Public.

Residence and P. O. Address Challis ~~Pocatello~~, Idaho
My Com. Expires: 10-10-74

119122

WARRANTY DEED

TO

Dated _____, 19__

STATE OF IDAHO,
County of Lemhi } ss.

I hereby certify that this instrument was filed for record at the request of Lemhi Title & Abstract Co. at 41 minutes past 1 o'clock P. M., this 16th day of November, A. D. 19 71 in my office and duly recorded in ~~Book~~ File of Deeds ~~XXXXX~~

Eleanor Aldous
Ex-Officio Recorder.

By [signature] Deputy.

Fee, $ 2.00 Paid

INDEXED

GEO. PRIMBS & SONS, INC., POCATELLO, IDAHO

Rexburg District

NOV 21 1977

Department of Water Resources
Eastern District Office

State of Idaho

Department of Water Resources

RECEIVED

NOV 16 1977

Department of Water Resources
Southern District Office

WATER RIGHT LICENSE

License of Water Right No. 75-7020 Priority December 15, 1973 Amount 0.11 cfs

THIS IS TO CERTIFY, that DAN O'CONNOR

of Challis, Idaho, has complied with the terms and conditions of Permit No. 75-7020 issued pursuant to Application for Permit dated December 15, 1971 and has submitted proof to the Department of Water Resources on March 3, 1975 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.11 cfs of water from Wire Gulch Creek tributary to Panther Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 1	to October 30	at 0.03	cfs and	10.50 acre feet
Domestic	from Jan. 1	to December 31	at 0.08	cfs and	2.40 acre feet
	from	to	at	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.11 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 12.90 acre feet per year, said waters to be diverted within the NW¼NW¼, Sec. 34, Twp. 23N, Rge. 18E, B.M. in the County of Lemhi

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
23N	18E	33	3.5 x(domestic)																3.5

Total number of acres irrigated 3.5

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of October, 19 77

Director

SCANNED
OCT 1 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A75-07020**
Date Received: 11/01/1990
Receipt No: E013997
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: DAN O'CONNOR 208-879-2542
   Address: PO BOX 219
   CHALLIS, ID 83226

2. Date of Priority: DEC 15, 1971

3. Source: WIRE GULCH CREEK Trib. to: PANTHER CREEK, SALMON RIVE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	18E	34	NW NW		LEMHI

5. Description of diverting works:
   REFER TO REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.030		
DOMESTIC	01/01	12/31	0.080		

7. Total Quantity Appropriated is:
   0.110 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   5-6 HORSES USE OPEN WATER FROM GULCH & PANTHER CREEK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	18E	33	NE NE		IRR	4.0
			NE NE		DOMEST	

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DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
					Total Acres	4.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
CLAIMANT HAS ASSOCIATES IN OWNERSHIP & CLAIMS ON BEHALF OF ALL OWNERS. MAPS OF THIS AREA VARY REGARDING PRECISE LOCATION. LANDS ARE WITHIN ORIGINAL HES #239.
#5 - WATER COLLECTED IN COVERED SUMP; PIPED IN 2-INCH PIPE TO WOODEN HOLDING TANK & TRANSPORTED TO P.O.U. IN 2-INCH PLASTIC BURIED PIPE. EXACT LOCATION OF DIVERSION & LANDS ARE ESTIMATES AS LANDS LIE IN UNSURVEYED DOMAIN.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED
DEC 15 1992

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
DEC 15 1992

Form No. 42-1409 (2) a 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A75-07020
Date Received 5/1/90
Receipt Number E013997

RECEIVED
OCT 29 1990
Department of Water Resources
Eastern District Office

RECEIVED
MAY - 1 1990
Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DAN O'CONNOR Phone (208) 879-2542

   Mailing Address P. O. Box 219, Challis, Idaho Zip 83226

2. Date of Priority (Only one (1) per claim) 12-15-71

3. Source of water supply (a) Wire Gulch Creek
   which is tributary to (b) Panther Creek, Salmon River

4. a. Location of existing point of diversion is: Township 23 N Range 18 E Section 34
   _____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Lemhi
   Additional points of diversion if any: _____

   b. If instream flow, beginning point of claimed instream flow is:
   Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
   Govt. Lot _____ B.M., County of _____
   ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
   _____ 1/4, Govt. Lot _____ B.M., County of _____

A7507020

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Water collected in covered sump; piped in 2-inch pipe to wooden holding tank and transported to place of use in 2-inch plastic buried pipe. Exact location of diversion and lands are estimates as lands lie in unsurveyed domain.

MICROFILMED
DEC 15 1992

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	Irrigation	purposes from	04/01	to 11/01	amount	0.03	or
For	Domestic	purposes from	01/01	to 12/31	amount	0.08	or
For	~~Livestock~~	purposes from	~~01/01~~	to ~~12/31~~	amount	~~0.02~~ DP	or
For		purposes from		to	amount	DO	or

7. Total quantity claimed (a) 0.~~23~~ // DO (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is ~~15~~ 12± DO acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5-6 horses use open water from Gulch and Panther Creek

10. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
23N	18E	33	S&D 4																4

Total number of acres irrigated 4

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:
Claimant has associates in ownership and claims on behalf of all owners. Maps of this area vary regarding precise location. Lands are within original HES #239.

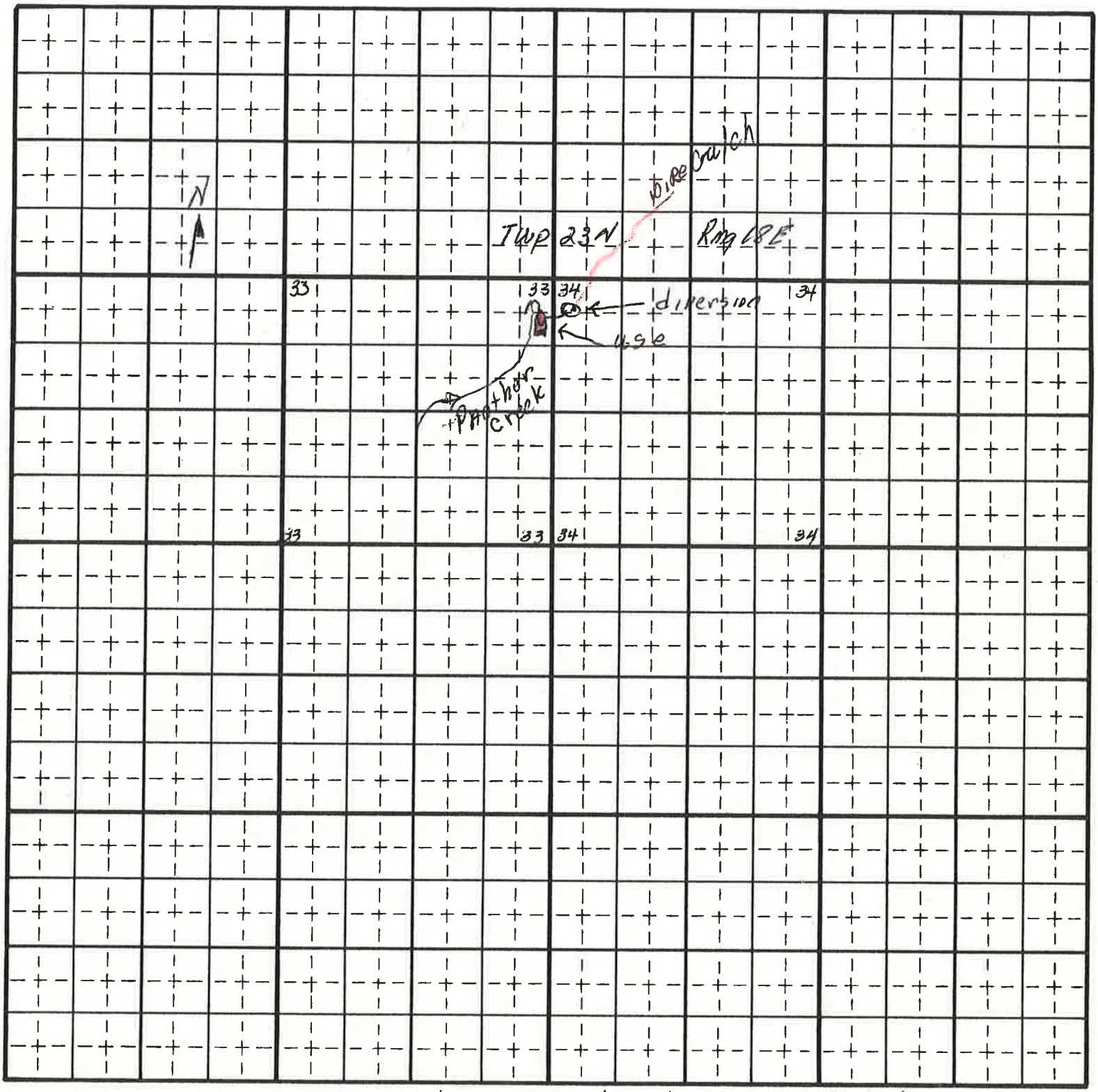
MICROFILMED
DEC 15 1992

Last Name O'CONNOR Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Location Not precise. Variation in Maps and Data

MICROFILMED
DEC 15 1992

Last Name O'Connor Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75-07020
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____ , that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Custer)

Subscribed and sworn (or affirmed) before me this 30th day of April 19 90

SEAL

Notary Public _____

Residing at Challis Idaho

My Commission Expires 1-13-93

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
DEC 15 1992

Last Name O'CONNOR Ident. Number _____

Copies White-State, Yellow-Claimant